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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14 UNITED STATES OF AMERICA,

) Case No. 18-CR-00258 EJD
) DECLARATION OF KELLY I. VOLKAR IN
) SUPPORT OF UNITED STATES' OPPOSITION
) TO DEFENDANT'S MOTION TO EXCLUDE
) EVIDENCE AND ARGUMENT THAT
) PHARMACEUTICAL REPORTS WERE
) IMPROPERLY ALTERED
) Date: March 11, 2022
) Time: 9:00 a.m.
) Court: Hon. Edward J. Davila

15 Plaintiff,

16 v.

17 RAMESH "SUNNY" BALWANI,

18 Defendant.

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1 I, Kelly I. Volkar, declare:

2 1. I am an Assistant United States Attorney (AUSA) representing the United States of
3 America, the plaintiff in this case.

4 2. Attached hereto as Exhibit 1 is a true and correct copy of an April 16, 2010, email from
5 Elizabeth Holmes to two representatives of Safeway, copying Sunny Balwani, with attachments,
6 produced in discovery starting with Bates label THER-1717983.

7 3. Attached hereto as Exhibit 2 is a true and correct copy of a Schering-Plough-related
8 report, titled “Assay Development Report / Theranos Systems Multiplexed Human IL-6, Human TNF- α ,
9 Human CRP (hs)”, produced in discovery starting with Bates label THER-6174514. The document as
10 collected and produced in discovery contains metadata fields, including a “Date_Created” field showing
11 “02/12/2010”, a “DocTitle” field showing “Multiplexed Panel Validation Report – External”, and a
12 “FilePath” field showing “C:\RT-12960\sbalwani\RE_times to talk\Multiplexed Panel Validation
13 Report_FDA-ICH.pdf”.

14 4. Attached hereto as Exhibit 3 is a true and correct copy of an October 25, 2014, email
15 from Elizabeth Holmes to Jeffrey Blickman, copying Sunny Balwani, with a subject “Re: Reports for
16 Fremont”, produced in discovery starting with Bates label THPFM0000842601.

17 5. Attached hereto as Exhibit 4 is a true and correct copy of an October 27, 2014, email
18 chain between Sunny Balwani and representatives of BDT, produced in discovery starting with
19 Bates label THPFM0001146205.

20 6. Attached hereto as Exhibit 5 is a true and correct copy of a November 4, 2014, email
21 from Elizabeth Holmes to Sunny Balwani, produced in discovery with Bates label THPFM0002167984,
22 and an attachment, a copy of a Schering-Plough-related report, produced in discovery starting with Bates
23 label THPFM0002167987.

24 7. Attached hereto as Exhibit 6 is a true and correct copy of Trial Exhibit 4859, produced in
25 discovery with Bates label RDV012671.

26 8. Attached hereto as Exhibit 7 is a true and correct copy of a November 8, 2014, email
27 from Elizabeth Holmes to Sunny Balwani, with a subject “RE: deffered rev”, produced in discovery
28 with Bates label THPFM0000842239.

9. Attached hereto as Exhibit 8 is a true and correct copy of Trial Exhibit 5661, a December 13, 2014, email from Sunny Balwani to Elizabeth Holmes and Danise Yam, with a subject "RE: deferred revenue balance", produced in discovery with Bates label THPFM0000675002.

10. Attached hereto as Exhibit 9 is a true and correct copy of an October 27, 2015, email from Elizabeth Holmes to Ryan Toohey, copying Sunny Balwani among other individuals, produced in discovery with Bates label THPFM0001137378.

11. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration is executed at San Jose, California, on March 7, 2022.

DATED: March 7, 2022

/s/ Kelly I. Volkar
KELLY I. VOLKAR
Assistant United States Attorney